Objectives

- Describe ethical conduct
- Describe a resident's rights in the nursing home
- Give examples of abuse, neglect, and misappropriation of property
- Explain the role of the Health Care Personnel Registry
- Explain the role of the nurse aide in securing informed consent prior to providing care to the resident

Laws

Rules made by the government to help protect the public

- Person liable if laws are not obeyed and person may be fined or jailed
- Two types of laws – criminal and civil
Assault and Battery

Assault – act of threatening to touch, or attempting to touch a person, without proper consent – example?

Battery – touching a person without consent – example?

Consent

The right to decide what will be done to the body and who can touch the body

- Written consent
- Verbal consent
- Implied consent

Which of the three can a nurse aide obtain?

Invasion of privacy

Violation of right to control personal information or the right be left alone

Examples?
Legal – Key Terms (1)
Tort – a wrong committed against a person or property
• Unintentional – did not mean to cause harm
• Intentional – did mean to cause harm
Malpractice – giving care for which you are not allowed legally to do – example?
Negligence – actions or failure to act or give proper care, resulting in injury – example?

Legal – Key Terms (2)
False imprisonment – unlawful restraining or restriction a person’s movements
Defamation – false statements made to a third person that causes a person shame or ridicule or ruins a person’s reputation
Written is libel - Example?
Verbal is slander - Example?

Legal – Key Terms (3)
Diversion of drugs – unauthorized taking or use of any drug
Fraud – an intentional deception or misrepresentation resulting in some unauthorized benefit
Importance of Laws

Let's people know what they can or cannot do

Are written to protect the public from harm

Legal – Nurse Aide’s Role

• Understand range of function
• Keep skills and knowledge current
• Keep resident’s safety and well-being in mind
• Understand directions for use
• Follow facility’s policies and procedure
• Do no harm to resident or belongings
• Report questionable practices
• Know legal terms

Who are our Vulnerable Adults?
We Must Protect Our Vulnerable Adults

From...
• Neglect
• Misappropriation of Property
• Abuse
• Exploitation

Preventing Mistreatment of Vulnerable Adults
• Care of personal property
• Review key terms and understand what must be reported to nurse
• Recognize signs/symptoms of neglect, misappropriation of funds, abuse, and exploitation
• If nurse aide observes another health care provider abusing a resident, STOP THE ABUSE, and immediately report abuse to nurse
• Report questionable practices

Neglect
• Signs and symptoms
• Examples
Misappropriation of Property

- Signs and symptoms
- Examples

Physical Abuse

- Signs and symptoms
- Examples

Emotional or Psychological Abuse

- Signs and symptoms
- Examples
Exploitation

- Signs and symptoms
- Examples

Health Care Personnel Registry (HCPR)

- Abuse is cause for immediate dismissal and posted on Nurse Aide I Registry if substantiated
- Not reporting abuse is aiding and abetting

Mistreatment of the Vulnerable Adult

Points to remember:
- Abuse is cause for immediate dismissal and posted on Nurse Aide I Registry if substantiated
- Not reporting abuse is aiding and abetting
Ethics and Code of Ethics

Key Terms

- Are protected by the Constitution of the United States
- Right to be treated with respect, live in dignity, pursue a meaningful life and be free of fear
- Examples of infringement of these rights?

Basic Human Rights

- Residents have legally protected Resident’s Rights
- OBRA identifies how a resident must be treated
- Provides a code of ethics
- Posted and provided in long-term care facilities
**Ethics (1)**

**Importance of Ethics**
- Knowledge of right and wrong guides sense of duty and conduct
- Guides provision of quality care
- Governs actions of health care providers
- Vital to safety and well-being of residents

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**Ethics (2)**

**Nurse Aide’s Role**
- Use good judgment
- Keep information confidential
- Document accurately
- Follow plan of care
- Be honest and trustworthy
- Report abuse or suspected abuse
- Understand and respect Resident’s Rights

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**Ethics (3)**

**Nurse Aide’s Role**
- Report observations and incidents
- Show empathy
- Respect residents equally
- Provide quality resident care
- Protect privacy
- Treat all professionally
- Avoid stereotyping
- Safeguard property
- Respect values and beliefs
Points to remember

- What is ethical behavior?
- When do nurse aides use ethical behavior?
- Ethical behavior can vary
- We are all individuals who think differently

Ethics – End of life care

*End of life decision making usually follows resident’s individual ethical principles*

- Nurse aides must respect the right to make own end of life decisions which may differ from the ethics of a nurse aide
- Resident has...
  - Right to refuse treatment
  - Right to request everything possible